

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KATHERINE SCHWARZINGER, Individually)
and as Special Administrator of the Estate of)
JULIUS SCHWARZINGER, III, Deceased,)
Plaintiff,)
v.) No. 1:11-cv-8251
UNITED STATES OF AMERICA,)
Defendant.)

**AMENDED PETITION FOR APPROVAL OF SETTLEMENT AND
APPROVAL OF ATTORNEYS FEES AND COSTS - WRONGFUL DEATH**

NOW COMES Petitioner, KATHERINE SCHWARZINGER, Individually and as Special Administrator of the Estate of JULIUS SCHWARZINGER, II, Deceased by and through her attorneys, Stevens Law Group, and respectfully requests that this Court approve the settlement and attorneys' fees and costs in the above matter. In support Petitioner states:

1. This matter arises out of medical malpractice alleged against the UNITED STATES OF AMERICA.
2. KATHERINE SCHWARZINGER was the daughter of Julius Schwarzinger.
3. KATHERINE SCHWARZINGER, Special Administrator of the Estate of Julius Schwarzinger, II, filed a medical practice action against the United States of America including wrongful death and survival counts. KATHERINE SCHWARZINGER moved to dismiss the survival action with prejudice on September 20, 2012. A stipulation to dismiss the survival action was filed on September 25, 2012.
4. By agreement between KATHERINE SCHWARZINGER and the United States of America the wrongful death case was settled for \$425,000 on September 14, 2012.
5. The children of Julius Schwarzinger, II, namely, Katherine Schwarzinger, Julius

Schwarzinger, III, and Jessica Schwarzinger, are all of majority and have agreed on a distribution of the proceeds from the settlement after attorneys' fees and expenses as follows:

Katherine Schwarzinger:	\$130,741.95
Julius Schwarzinger, III:	\$130,741.00
Jessica Schwarzinger:	\$ 50,000.00

6. The consent of the three children of Julius Schwarzinger are attached as Group Exhibit A.
7. Petitioner, KATHERINE SCHWARZINGER retained the legal services of Stevens Law Group on behalf of the Estate of Julius Schwarzinger. By statute, the contingent fee to Stevens Law Group, Mullen Law Offices and Blatter & Blatter is 25% of the settlement amount, namely, \$106,250.00
8. Petitioner's attorneys incurred expenses in the amount of \$7,267.05 and Petitioner believes that the expenses are reasonable.

WHEREFORE, Petitioner asks the Court for entry of an Order as follows:

1. Approving the settlement of the action for the Estate of Julius Schwarzinger, II deceased.
2. Finding the settlement in the amount of \$425,000.00 as to the Estate of Julius Schwarzinger, II is fair and reasonable.
3. Finding the attorneys are entitled to reimbursement of expenses attributable to this action in the amount of \$7,267.05.

4. Finding Stevens Law Group, Mullen Law Offices and Blatter & Blatter are entitled to fees in the amount of \$106,250.00.
5. Finding the net amount distributable to KATHERINE SCHWARZINGER, as Administrator of the Estate of Julius Schwarzinger is \$311,482.95 on the wrongful death action, and is to be distributed to the adult children of Julius Schwarzinger, II as follows:

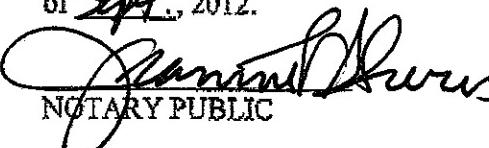
Katherine Schwarzinger:	\$130,741.95
Julius Schwarzinger, III:	\$130,741.00
Jessica Schwarzinger:	\$ 50,000.00

6. Authorizing and directing KATHERINE SCHWARZINGER to execute releases upon receipt of the sum offered and to distribute the proceeds in accordance with the provisions of this Court's Order.

Respectfully submitted by:


KATHERINE SCHWARZINGER

Subscribed and sworn to
before me this 26 day
of Sept., 2012.


NOTARY PUBLIC



STATE OF ILLINOIS)
)
COUNTY OF COOK)

Jeanine L. Stevens, being first duly sworn under oath, deposes and states:

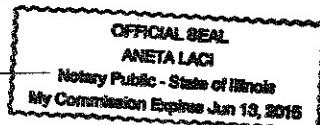
1. She is one of the attorneys who has prepared the above entitled cause for trial and settlement and based upon her knowledge of the facts of the occurrence and the legal ramifications involved, it is her opinion that the settlement is fair and reasonable and should be accepted in the best interest of KATHERINE SCHWARZINGER and siblings, Julius Schwarzinger, III and Jessica Schwarzginer,
2. She further states that all the expenses incurred were necessary to the proper preparation for the case.



JEANINE L. STEVENS

Subscribed and sworn to
before me this 26th day
of SEPTEMBER, 2012.


NOTARY PUBLIC

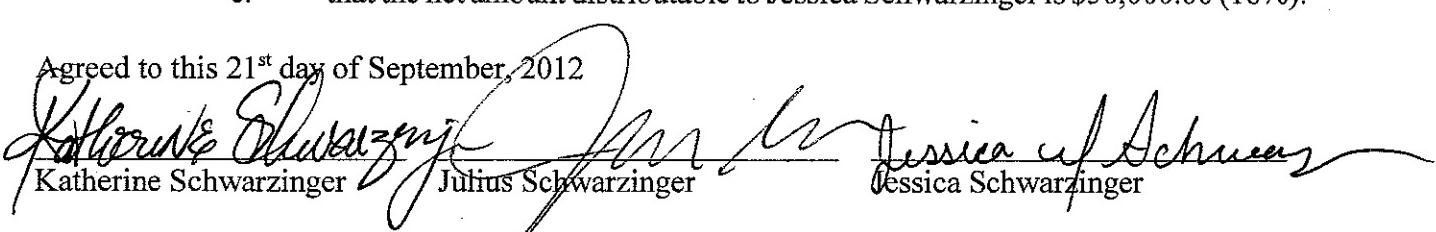


AGREEMENT REGARDING DEPENDANCY

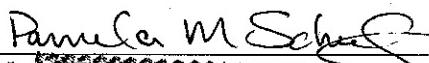
1. Katherine Schwarzinger, as Special Administrator of the Estate of Julius Schwarzinger, filed an action for wrongful death in the United States District Court for the Northern District of Illinois, styled Katherine Schwarzinger, individually and as Special Administrator of the Estate of Julius Schwarzinger, deceased, v. United States of America, Case No. 11 cv 08251.
2. That the decedent, Julius Schwarzinger, at the time of death had three dependent heirs, Katherine Schwarzinger, Julius Schwarzinger, III., and Jessica Schwarzinger.
3. That the three dependent heirs had varying degrees of dependency with their deceased father.
4. That the previously stated cause of action has been settled with the United States of America in the amount of \$425,000.
5. That the three dependent heirs agree that the amount distributable is \$311,482.95, net of fees and expenses.
6. That the three dependent heirs have discussed the method of distribution and agree to the following:

- a. that the net amount distributable to Katherine Schwarzinger is \$130,741.95 (42%);
- b. that the net amount distributable to Julius Schwarzinger, III is \$130,741.00 (42%);
- c. that the net amount distributable to Jessica Schwarzinger is \$50,000.00 (16%).

Agreed to this 21st day of September, 2012


Katherine Schwarzinger Julius Schwarzinger Jessica Schwarzinger

Subscribed and sworn to before me this
21st day of September, 2012



Notary Public
"OFFICIAL SEAL"
PAMELA M. SCHULTZ
Notary Public, State of Illinois
My Commission Expires 04/04/2014

